

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:95-cr-0286-RFB

Plaintiff,

V.

DEON LORENZO LYONS.

On “Motion Under 18 U.S.C. § 3553(b)”

Defendant.

ORDER

On January 11, 2016, Lyons filed the instant “Motion under 18 U.S.C. § 3553(b).” ECF. No. 274. In his motion, Lyons appears to be requesting that this Court modify or reduce his prison sentence based upon alleged mistreatment. The Court rejects this Motion for a few reasons. First, the Court finds that it does not have the authority under Section 3582(c) to reduce Lyons’ sentence based upon the allegations in his motion. Second, Lyons’ motion must be construed as a motion under 28 U.S.C. § 2241, since it is based upon a challenge to the conditions of his confinement. Hernandez v. Campbell, 204 F.3d 861, 865 (9th Cir. 2000). However, Lyons’ motion may not proceed under Section 2241, since he has not exhausted his administrative remedies as required. Martinez v. Roberts, 804 F.2d 570, 571 (9th Cir.1986). Finally, a Section 2241 petition must be brought in the district where the defendant is confined. Harrison v. Ollison, 519 F.3d 952, 956 (9th Cir. 2008). Lyons was not and is not confined in this District.

For the reasons stated,

IT IS THEREFORE ORDERED that the Motion (ECF No. 274) is DENIED.

DATED this 4th day of June, 2018.


RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE